

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Mylan L. Denerstein
Direct: +1 212.351.3850
Fax: +1 212.351.6350
MDenerstein@gibsondunn.com

May 10, 2018

VIA ECF

The Honorable Kiyo A. Matsumoto
United States District Judge for the East District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Greebel*, S1 15 Cr. 637 (E.D.N.Y.)

Dear Judge Matsumoto:

We respectfully write for two important reasons in connection with Evan Greebel's sentencing.

First, we respectfully request for the first time a postponement in the sentencing date of Evan Greebel. Given that this will surely be one of the most significant events in Mr. Greebel's life, we have been working hard to collect letters and other materials in aid of the sentencing to provide Your Honor with a complete picture of his life. This is a very large and significant responsibility and we would not ask for more time unless we felt compelled to do so. We estimate that we need an additional 45 days to fulfill that responsibility and provide the Court with all such information. Currently, Your Honor scheduled sentencing for June 26. We would therefore request that the Court postpone sentencing until in or about early-to-mid August or at the earliest date thereafter that is convenient for the Court and when all lawyers for the parties will be available. Alternatively, should the Court be inclined to postpone sentencing by fewer than 45 days, we respectfully request a telephone conference to discuss scheduling.

As an additional reason for the postponement, Randy Mastro will be traveling on June 26 and his presence is important to our client and our client's family.

When we sought the government's consent to this postponement, the government responded to this specific request as follows: "As for the sentencing date, after it was adjourned in March from April to June 26, we planned our work and vacation schedules around it. At this point we can't consent to an adjournment that would push the sentencing date into late July/early August." We respectfully note that we did not request any prior adjournment. I followed up and spoke with Ms. Smith, Mr. Pitluck, and Mr. Kessler and they reiterated that they were unwilling to consent to an adjournment. Respectfully, this is our first request for a

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postponement of the sentencing for 45 days and, as we have informed the government, we believe that it is necessary in order to fulfill our responsibility of making sure Your Honor receives all letters and other materials that we believe are necessary to aid the Court in sentencing Mr. Greebel.

Mr. Greebel also has three young children, who will be cared for alone by his wife should he receive a custodial sentence. Mr. Greebel has been working to prepare his young family for his absence and a brief, one-time adjournment would assist in that regard. We believe this is a patently reasonable request and the government's unwillingness to consent on the basis of work and vacation schedules to any later date is unreasonable. We respectfully request the Court to allow us to collect the materials we are working hard to obtain and proceed with sentencing in or after early-to-mid August.

We note that Mr. Greebel has complied with all bail conditions and is obviously not a flight risk, which I pointed out to the government. For example, among other things, the Court graciously permitted Mr. Greebel to travel with his wife and three children abroad twice while on bail since his arrest, and Mr. Greebel returned each time without incident.

Second, we respectfully write to confirm our understanding of Your Honor's docket entry order dated on or about April 18, 2018: "ORDER as to Evan Greebel. Within one week of receiving the Pre-Sentence Report, the parties shall file simultaneous submissions regarding the loss amount in this case. Responses, if necessary, shall be filed within three days of the submission to which they respond." We had understood this to mean that the parties must file simultaneous submissions regarding the loss amount in this case after the Probation Department issues the final (not draft) Pre-Sentencing Report ("PSR"). We just received the draft PSR on May 7, 2018, and confirmed with Probation Officer Michelle Murphy that our objections must be submitted to her within 14 days, i.e., by May 21, 2018. Given that Officer Murphy has not issued a final report and we should have a fair opportunity to present her with information relating to her draft loss calculation before it becomes final, we understood that Your Honor's April 18 Order was directed to making submissions within one week of the final PSR. The government informed us that they disagree and believe the loss amount submissions should be due on May 14—a week before our objections are due to Officer Murphy. It does not make sense to submit our loss proposals until after we have had a chance to respond to the draft PSR and find out Officer Murphy's final position or view on the matter. We therefore request that the Court order loss amount submissions within one week of receiving the final PSR.

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We thank the Court in advance for its consideration and attention to these important issues to Mr. Greebel. We will be available to participate in a telephone or in-person Court conference at the Court's convenience to address any questions from the Court. We also hope the government reconsiders its position.

Respectfully submitted,

/s/ Mylan Denerstein

Mylan L. Denerstein